

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

Dennis Shaffer,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-965
)	
Rees Masionis Turley Architecture, LLC,)	
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Rees Masionis Turley Architecture, LLC hereby gives notice of the removal of the above-captioned action from the Circuit Court of St. Louis County, State of Missouri to the United States District Court for the Eastern District of Missouri. The grounds for removal are set forth below:

1. Plaintiff Dennis Shaffer, filed the above-entitled action in the Circuit Court of St. Louis County, State of Missouri on March 19, 2014 against defendant Rees Masionis Turley Architecture, LLC, a Missouri limited liability company, and it alleges violations of the Fair Labor Standards Act of 1938, 29 U.S.C. §§201 *et seq.* (“FLSA”) and Mo.Rev.Stat. § 290.500 *et seq.* (“MMWL”).

2. Defendant Rees Masionis Turley Architecture, LLC, located at 908 Broadway, Kansas City, Missouri 64105 was served the petition in this action on April 25, 2014.

3. Thirty days have not expired since the action became removable to this Court and thus this Notice of Removal is timely under 28 U.S.C. § 1446(b).

4. Copies of all pleadings, process, and orders served on defendant Rees Masilionis Turley Architecture, LLC in the action are attached and marked as Exhibit A as required by 28 U.S.C. § 1446(a).

5. The action is one over which the United States District Courts are given original jurisdiction under 28 U.S.C. § 1331 because the civil action includes a claim arising under federal law. According to the Petition, plaintiff is bringing a claim under the Fair Labor Standards Act (“FLSA”) against defendant Rees Masilionis Turley Architecture, LLC and the FLSA is a claim that arises under federal law and provides for original jurisdiction in federal court. ***Breuer v. Jim's Concrete of Brevard, Inc.***, 538 U.S. 691, 123 S. Ct. 1882, 155 L. Ed. 2d 923 (2003).

6. The United States District Court for the Eastern District of Missouri embraces the court in which the civil action was originally brought.

7. This court has supplemental jurisdiction over the state law claim pursuant to 28 U.S.C. 1367(a) in that the facts underlying the state law claims are the same that underlie the federal claims such that they form part of the same case or controversy (e.g. both deal with the question of whether Plaintiff was properly paid his wages by Defendant).

8. By virtue of this Notice of Removal, defendant Rees Masilionis Turley Architecture, LLC is not waiving its right to assert any claims, defenses, or other motions, including any and all motions permitted by Fed. R. Civ. P. 12.

9. Pursuant to 28 U.S.C. § 1446(d), defendant Rees Masionis Turley Architecture, LLC is giving written notice of the filing of this Notice of Removal to Plaintiff's counsel and defendant Rees Masionis Turley Architecture, LLC is filing a copy of this Notice of Removal with the clerk of the Circuit Court of St. Louis County, State of Missouri, in which this case was originally filed.

WHEREFORE, defendant Rees Masionis Turley Architecture, LLC requests that the above-entitled action be removed from the Circuit Court of St. Louis County, State of Missouri, to the United States District Court for the Eastern District of Missouri.

Respectfully Submitted,

REAVEY LAW LLC

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May 2014, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, and notification of such filing has been served via U.S. mail, postage prepaid to the following:

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ATTORNEY FOR PLAINTIFF

/s/Patrick G. Reavey
ATTORNEYS FOR DEFENDANT